

Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Side Yard Setback) in an R-3A (Residential) zone.

This would allow an existing residential structure which encroaches 0.2 feet into the required side yard setback and is located to within 4.8 feet of the westerly side property line.

The required side yard setback is 5 feet in the R-3A zone district.

BACKGROUND

The applicant has not requested the builder error in the last 12 months and has submitted a letter stating the error is unintentional and inadvertent.

CALCULATIONS

Required side yard setback = 5'

Requested side yard setback = 4.8'

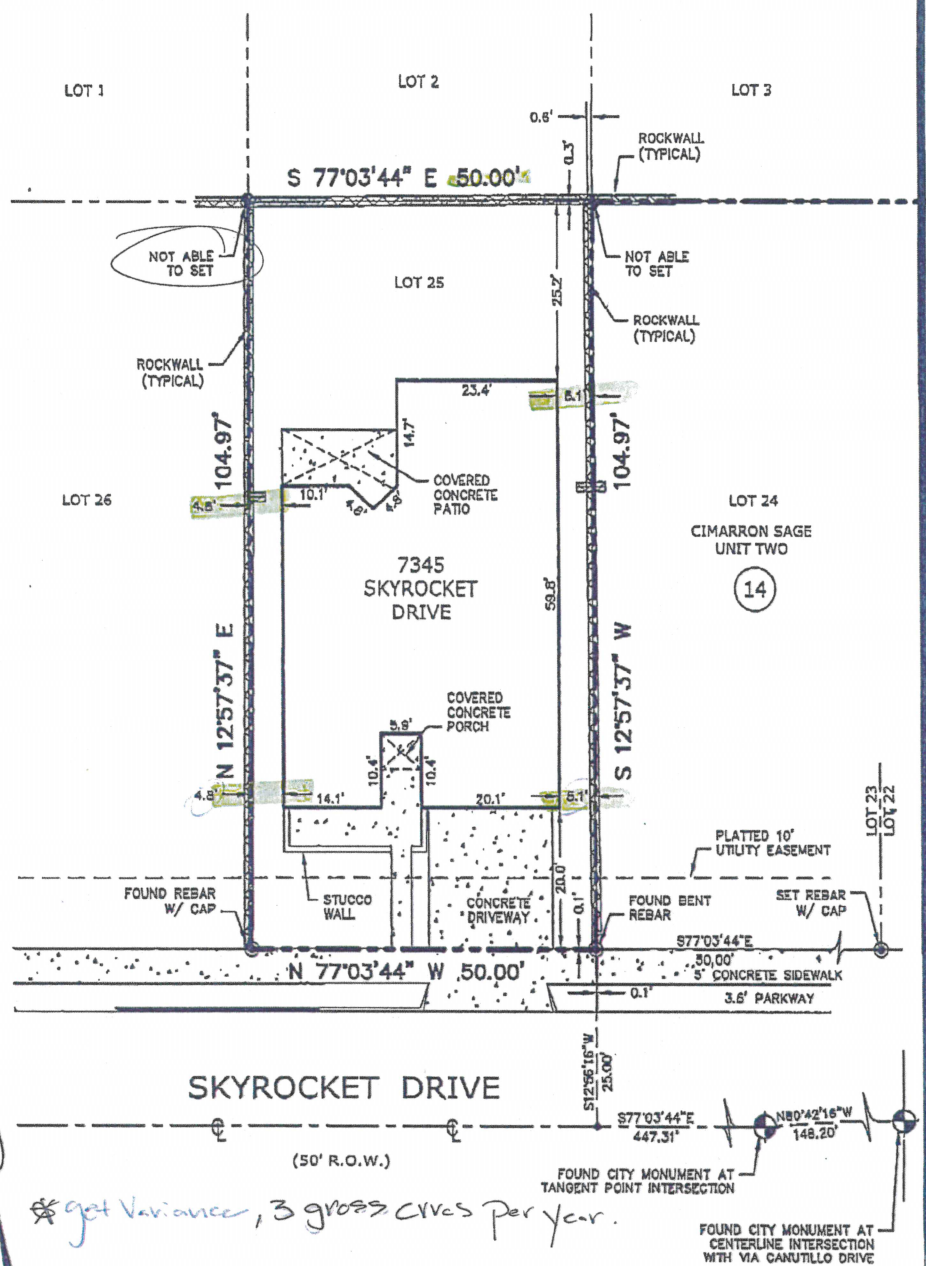
STAFF RECOMMENDATION

Staff recommends approval of the request as it meets the requirements of the Special Exception G, with a Condition that the portion of the structure located closer than 5 feet to the side property line is of fire rated construction as required by the applicable building codes.

The Zoning Board of Adjustment is empowered under Section 2.16.050 G to:

“Permit the encroachment of the principal building or structure into the required yard setbacks in all districts, caused by an error in construction; provided, however, that:

1. The permitted encroachment into any front yard setback shall not exceed ten percent of the required setback, or one foot whichever is greater;
2. The permitted encroachment into any side yard or side street yard setback shall not exceed ten percent of the required setback or one foot whichever is greater;
3. The permitted encroachment into any rear yard setback shall not exceed fifteen percent of the required setback or one foot whichever is greater;
4. The owner shall demonstrate through testimony or documentation that the error causing the encroachment was inadvertent and not intentional; and
5. The number of properties requesting encroachment permission under this section which involve the same building, contractor, or owner shall not exceed three in any twelve-month period.”



CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY AND IMPROVEMENT SURVEY IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLIES WITH THE CURRENT TEXAS BOARD OF PROFESSIONAL LAND SURVEYING PROFESSIONAL AND TECHNICAL STANDARDS

JOHN A EBY TX-5372 NM-17779



TPPLS FIRM #10001012

LOT 25, BLOCK 14,
CIMARRON SAGE UNIT TWO,
CITY OF EL PASO, EL PASO COUNTY, TEXAS

PLAT RECORD:
CLERKS FILE#
20130006929

TITLE CO: STEWART TITLE FILE#: DATED:
FIRM ZONE: C PANEL#: 480214-0017 C DATED: 2/5/1996
DATE OF SURVEY: 11/21/2013 OFFICE: EA FIELD: JAE, AG, JC
PASO DEL NORTE SURVEYING INC. PH. 915-241-1841
13998 BRADLEY ROAD, EL PASO, TEXAS 79938 FAX 915-855-6925
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11/24/2014

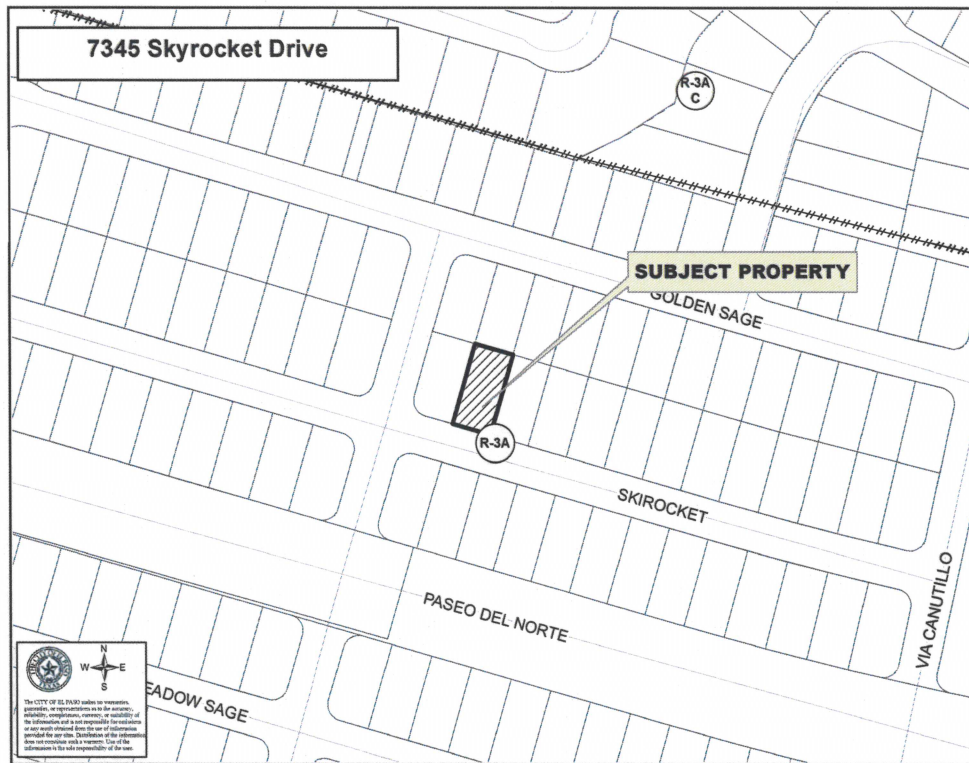
Good Afternoon;

This letter is to inform you that the setback variances that occurred at 7345 Skyrocket Cimarron Sage #2 (LOT 25, BLOCK 14), was inadvertent and unintentional. Palo Verde Homes will strive to prevent any further site back variances on future builds. Thank you and sorry for the inconvenience.

Sincerely;
Edgar O. Lopez
Architectural Manager
Palo Verde Homes

BUILDER ERROR LOG			
For a 12 Month Period			
December 9, 2013 to December 8, 2014			
MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
11/10/2014	PZBA14-00037	14569 Sunny Land Avenue	Classic American Homes
12/08/2014	PZBA14-00043	7345 Skyrocket Drive	Palo Verde Homes

ZONING MAP



NOTIFICATION MAP

